# MISSOURI COURT OF APPEALS WESTERN DISTRICT

# COMPLETE TITLE OF CASE

MICHAEL G. BECK,

Appellant,

v.

STEVEN LEE PATTON,

Respondent.

# **DOCKET NUMBER WD71377**

# MISSOURI COURT OF APPEALS WESTERN DISTRICT

**DATE:** May 4, 2010

# APPEAL FROM

The Circuit Court of Livingston County, Missouri The Honorable Warren L. McElwain, Judge

# **APPELLATE JUDGES**

Division Two: Mark D. Pfeiffer, Presiding Judge, and Victor C. Howard and Alok Ahuja, Judges

### **ATTORNEYS**

Michael G. Beck Brentwood, MO

Appellant, pro se,

Robert Herman St. Louis, MO

Philip E. Prewitt and Zachary H. Armfield Macon, MO

Attorneys for Respondent.



# MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

MICHAEL G. BECK,		)
	Appellant,	)
<b>v.</b>		)
STEVEN LEE PATTON,		)
	Respondent.	)

WD71377 Livingston County

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, and Victor C. Howard

and Alok Ahuja, Judges

Michael G. Beck appeals the grant of summary judgment entered by the Circuit Court of Livingston County against him and in favor of Steven Lee Patton on an Interpleader action relating to a dispute between attorneys Beck and Patton over entitlement to attorney's fees earned in a personal injury lawsuit. The trial court entered Judgment granting Patton's Motion for Summary Judgment, ordering payment of the interpleaded funds in the amount of \$11,111.00 to Patton, and assessing court costs against Beck.

### REVERSED AND REMANDED.

### **Division Two holds:**

There is nothing in the record before this Court which settles the issue of Beck's or Patton's entitlement to the interpleaded funds in anything approaching a conclusive way. Whether or not Beck and Patton had an enforceable fee-splitting agreement with regard to the contested attorney's fee remains a disputed question of fact. The extent of this relationship, including any agreement as to the division of fees is simply unascertainable from the record as it currently stands. Because this genuine issue of material fact exists in the present state of the record and carries with it legally probative force as to the just and proper release of the interpleaded funds, the trial court erred in granting summary judgment in favor of Patton.

Opinion by: Mark D. Pfeiffer, Judge
May 4, 2010

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